

TENNESSEE MASSAGE LICENSURE BOARD

MINUTES

Date: November 8, 9, 2004

Time: 9:00 a.m. C.S.T.

Location: Cumberland Room
Ground, Cordell Hull Building
425 5th Avenue North
Nashville, TN 37247-1010

Members Present: Steve Harper, LMT, Chair
Juliana Glasgow-Trotman, LMT
Kirsten VandeBerg, LMT
Rebecca Eichel, LMT
Beverly Chumbley, RN, LMT

Members Absent: Effie Woods
Marilyn Field

Staff Present: Karen Robinson, Board Administrator
Marva Swann, Board Director
Robbie Bell, HRB Director
Dianne Birkner, Unit Manager
Richard Russell, Advisory Attorney
Elisha Hodge, Litigating Attorney
Todd Kelley, Administrative Law Judge
Jerry Kosten, Regulations Manager

A quorum being present, the meeting was called to order at 9:05 a.m.

Contested Cases

Ms. Tamanie Dove

The state was represented By Ms. Hodge, the Administrative Law Judge was Todd Kelley.

The respondent was not present nor represented by counsel. Ms. Hodge presented to the Board a contested case on Tamanie Dove for credit card felonies and identity theft. A motion was made by Ms. VandeBerg and seconded by Ms. Chumbley to proceed in default. The Board revoked Ms. Dove's license and assess a civil penalty plus cost. The motion carried with a unanimous vote.

Michael Grover d/b/a Peaceful Solutions

The state was represented by Ms. Hodge, the Administrative Law Judge was Todd Kelley.

The respondent was present and he represented himself. Ms. Hodge presented to the Board that Mr. Groover was operating an unlicensed establishment. A motion was made by Ms. Chumbley and seconded by Ms. VandeBerg to assess a civil penalty plus cost. The motion carried with a unanimous vote.

Consent Cases

Ms. Hodge presented to the Board the following consent orders. Civil penalties were assessed plus cost.

Jacqueline Lane
Denise Knight
Jason Beasley
Kimberly Hitson
Kenneth Brosnick
Melisa Glasscock

A motion was made by Ms. Eichel and seconded by Ms. VandeBerg to approve the above consent orders. The motion carried with a unanimous vote.

Continued Cases

Ms. Hodge presented to the Board that the two following cases will be continued.

Fred Toler & Chadwick Porter

Adjourned for lunch at 12:00 p.m.

A quorum being present, the meeting was called to order at 1:05 p.m. on November 8, 2004

Rulemaking Hearing

A motion was made by Ms. Eichel and seconded by Ms. VandeBerg to approve a rulemaking hearing to amend the required 25 hours of Continuing Education. The motion carried with a unanimous vote.

Adjourned at 5:27 p.m. on November 8, 2004

A quorum being present, the meeting was called to order at 9:05 a.m. on November 9, 2004

Minutes

A motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve the minutes of the August 19 & 20, 04 Board meeting as submitted. The motion carried.

File Reviews

Lisa Metts – Ms. Metts appeared before the Board to give explanation for the felony charge of Battery. After numerous questions from the Board a motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve Ms. Metts for licensure. The motion carried.

Cecily Wingsong - Ms. Wingsong appeared before the Board to give explanation for the felony charges DWI. After numerous questions from the Board a motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve Ms. Wingsong for licensure. The motion carried.

Tara Marshall – Ms. Marshall appeared before the Board to give explanation for the misdemeanor charges of Theft. After numerous questions from the Board a motion was made by Ms. Chumbley and seconded by Ms. VandeBerg to approve Ms. Marshall for licensure. The motion carried.

Administrative Report

Ms. Robinson presented the statistical report which indicated the following:

Statistical Report

THERAPISTS	ESTABLISHMENTS
Active Licensees - 3267	Active Licensees - 802
Retired Licensees– 312	Retired Licensees – 109
Failed to Renew - 941	Failed to Renew - 171

Performance Measures

Performance Measure	Goal	Jan. – June 2004	Average
Renewal Processing Time	14 days	0.1 days	0.1
Application Processing Time	100 days	5.2 days	14.6

The application processing time is directly relative to the length of time it takes to received a verification from the (NCBTMB).

The renewal times have dropped due to the continued usage of the internet renewal site. The application processing time can be attributed to staff reviewing incomplete files and re-contacting the applicants and the revision of the applications to make them more user friendly.

Ms. Robinson reported in September, seventeen licensees renewed their licenses via the website for a usage rate of 23% versus an overall usage rate of 18% for all professions. The administrative

staff is asking that all board members get the word out about renewing online and would ask the board members use this tool to renew their licenses.

Massage Establishments can now renew online and be verified on the Internet site.

Ms. Robinson reported there has been some lessening of the restrictions on travel and purchasing. Travel, purchasing and hiring are being approved on a case-by-case request, if there is a conference that a Board member would like to attend, please let the Administrative Office know so we can request appropriate authorization. We cannot guarantee any request will be approved, but we will submit the paper work.

Continuing Education Audit

Ms. Robinson reported the continuing education audit for the 2002 calendar year is continuing. Previously, the Board had voted on a penalty of one hundred fifty dollars (\$150) and the completion of six hours of additional continuing education. A total of 118 were audited for their 2002 continuing education credit hours. A total of 19 – 16.3% were sent to Investigations for either not responded or not complying with the audit. A total of 9 – 7.6% have paid the penalty and met the continuing education requirements. A total of 3 – 2.5% was granted a waiver. A total of 1 – 8% has been present at this Board meeting. A total of 1 – 8% paid a penalty, waiting for the continuing education to be submitted to the Administrative Office.

Financial Report

Ms. Robinson presented the financial report which indicated that the Board had a Projected Cumulative Carryover at June 30, 2003 of \$1,057,031.

Peer Assistance

Ms. Diann Smithson, Director, Lighthouse Professional Services, presented the peer assistance report. Ms. Smithson requested that peer assistance be added to the school curriculum. The Board requested for the issue to be addressed at the task force meeting.

Establishment Inspection Reports

Ms. Birkner, Unit Manager, presented the Inspection report which indicated the following:

MASSAGE INSPECTION REPORT

November 8, 2004

	MIDDLE		EAST		WEST	
	INITIAL/RENEWAL		INITIAL/RENEWAL		INITIAL/RENEWAL	
August 2004	5	26	0	39	0	14
June 2004	28	32	0	0	0	0
July 2004	1	8	23	30	5	12
TOTALS	34	66	23	69	5	26
GRAND TOTAL	223					

Four establishments in Middle Tennessee were cited for not having a smoke detector, one was cited for not having a fire extinguisher, and one was cited for not having a licensed massage therapist.

One establishment in East Tennessee was cited for not having hot water at the sink, four were cited for not having a current copy of the massage therapist license and four were cited for not having a licensed massage therapist.

One establishment in West Tennessee was cited for not having a licensed massage therapist.

Office of General Counsel (OGC)

Mr. Russell reported the following Amendments to Rules are pending approval by the Attorney General's Office:

Rule 0870-1-.13, Order Modification, Compliance and Appearance was effective October 16, 2004.

Rule 0870-1-.02, .04, .11, .19, Specific procedures, mandatory exam, housekeeping

Rule 0870-1-.04, Ethics & Law course requirement

Rule 0870-1. 02, 05, 06, Inspection no-show, housekeeping.

Mr. Russell then reminded the Board of their responsibilities under the conflict of interest policy.

Investigative - Discipline Reports

Massage Therapists

Ms. Bell presented the Investigative Report which indicates 1 new complaint was received in September, 6 were closed, 2 closed no action, 1 letter of warning, 3 referred to OGC, and 8 cases are currently under investigation. Ms. Bell explained to the Board that the disciplinary report is current and will be submitted for viewing at each Board meeting.

Massage Establishments

No complaints were received in September 2004, 3 closed, 1 closed no action, 2 referred to OGC, 5 currently under investigation.

Adjourned for lunch at 1:16 p.m.

A quorum being present, the meeting was called to order at 2:16 p.m. on November 9, 2004

Ratifications

A motion was made by Ms. Chumbley and seconded by Ms. VandeBerg to approve the newly licensed and reinstatements for massage therapists and massage establishments. The motion carried.

New Massage Therapist

CAROL G. AGNEW
ALICIA ANN ANDERSON
JESSE DAVID BEBOUT III
RACHEL A. BECK
CYNTHIA DIAN BEELER
CARA AMELIA BING
PETRU BOLOG
LYNN MARIE BOURASSA
BRANDY P. BOWERS
KERRY JOAN BRADY
LACEY ANN BROOKSHIRE
KARIN LEE BROWN
SUNNIE LYN BROWN
MICHAEL PAUL BUCK
KRISTY MARIE CARD
LINDA ANNE CARTWRIGHT
SANDRA J. CHERRY
MARK ANTHONY COBB
LISA ANNETTE COHEN
CHRISTINA MICHAELLE COOPER
ROSE KATHLEEN CREEK
JENNIFER TOWNSEND DUKE

LAURA LEIGH DULIN
YONAS EIMAM EMBAYE
ELIZABETHE MICHELLE FINE
DEBORAH ANN FISCHER
NATHAN ADAM FOX
CAREY JANE HARDISON
AMY JOY HARPER
JASON PAUL HERRON
SUSAN MICHELLE HIRS
JERRI LYNN HILTON
TAMMY LYNN HOLMES
MEDELINE JOY INGRAM
KWI HYON JACK
KATHY ANN JENKINS
KRISTY LYNN KAPLAN
TRICIA N. KIMMONS
JEAN CATHERINE KIRK
NATASHA M. KITTS
VALERIE E. KNUST
HEIDI HELENA LEBLANC
LAURIE GOLDMAN LEE
VICKI RACHELE LEWIS
AUDREY JANE MAY
CLAIRE MARIE MCKENZIE
BARBARA LEE MCKEWIN
SARAH LYNN MORRIS
CARRIE LYNNE MURRELL
MONICA DENISE OAKLEY
TERRI LYNNE OTTINGER
CHELSEY MARIE PAYNE
DARIN THOMAS PENNER
AMY LAVONNE PITTS
CYNTHIA MARIE READER
HEATHER BROOKE REESE
LAURA ANN ROSENBAUER
MICHELLE IRENE SAMPLES
SONDRA RENEE SARTEN
GEORGE LANGFORD SHANNON
CHIA-HUNG SHEN
KITTY ILA SHERRILL
LINDSAY HOPE STEELMAN
RICHARD BRYAN STEVENS
TRACY A TEAGUE
MYRTLE LEE TOLIVER
DARLA WENETTE WALKER
CALLIE NICOLE WEBSTER

ANGELA MAE WELLS
KENDRA LEE WELLS
MICHAEL BRANDON WOODSON
STACEY CHAMPMAN

Massage Therapist Reinstatements

TERESA GAIL BRUCE
BARBARA STILPHEN CALDWELL
JENNIFER JOHNSON CONATSER
JESSICA ANN FISCHER
IVEY LLOYD HANNON
KAREN M. HORTON
MARTHA ANNICE MAYO
DEBORA HUDSON – SCOTT
CONNIE L. STONE

New Massage Establishments

A MOMENT'S PEACE
A NEW YOU CONCEPT
A PERFECT TOUCH
ADVANCED THERAPY SOLUTIONS-MASSAGE
AMANDA L. MUSGROVE
AMATA DAY SPA AND SALON
AMY WALLACE
AMY'S NATURAL HEALTH SPA
BACK TO HEALING
BEAUTIFUL YOU
CASCADES THERAPEUTIC MASSAGE AND TR
LIMBING ROWES INN
COIFFURE STUDIO INC.
CRYSTAL NAILS AND SPA
CUMBERLAND INSTITUTE OF HOLISTIC TH
DECADENCE DAY SPA AND SALON, INC.
ESSENTIAL THERAPIES, INC.
FAMILY CHIROPRACTIC PC
GET THE LOOK SALON AND DAY SPA
GOLD SKIN CARE CENTER PLC DBA ADVANCE
GREG GOOD L.M.T.
HAIR INTERNATIONAL
HAIR STYLING CENTER
HEALING HANDS O9F MEMPHIS
HEARTH LAND MEDICAL, P.C.
HIDDEN FROM WITHIN MASSAGE THERAPY
KNEADED NECESSITY MASSAGE THERAPY
MARTHA A. MAYO, LMT, HEART `N HANDS H

MASSAGE ASSOCIATES
MAXIMUM HEALTH AND FITNESS
NATURAL APPROACH NAIL AND SKIN CARE
NATURAL BODYWORK THERAPEUTIC MASSAGE
NATURAL HEALING THERAPIES
OLD NATCHEZ COUNTRY CLUB
PALAZZO SALON AND SPA, LLC
PROFESSIONAL IMAGES SALON
ROBIN OWNBY @ 272
ROMAN THERAPY
RUSSELLVILLE BARBER SHOP
SALON UNIQUE
SMITH COUNTY MEDICAL GROUP PLLC
SURETAN BEAUTY AND BODY WORK
TAN TIMES, LLC
TEXTURES SALON AND SPA
THE LODGE AT FIELDSTONE APPARTMENTS]
THE NAIL SHOPPE
THE SALON THE SALON AT GREEN HILLS, LLC
THERAPEUTIC MASSAGE
THERAPEUTIC MASSAGE FOR RELAXATION
THERAPEUTIC MASSAGE FOR RELAXATION
THIESING FAMILY CHIROPRACTIC, INC.
TONYA SEAY
ULTIMATE TANZ
ULTRA-TAN

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Continuing Education Course Approval

A motion was made by Ms. Eichel and seconded by Ms. VandeBerg to approve the following continuing education courses with Mr. Harper recused himself from the vote on his continuing education course. The motion carried.

Mary Glesige-Reiki I & II, requested to change contact hours to 16 contact hours
Reiki III, Master LiveI for 24 contact hours
Chakras Level I for 12 contact hours & Chakras Level II for 28 contact hours

Doug Maxeiner and Steve Harper, Medical Massage Protocols for Cervical and Low Back for 12.5 contact hours-pre-approved by Ms. VandeBerg

Katherine Correa, LMT, Self Care for 12.5 contact hours- pre-approved by Ms. VandeBerg

Richard Russell and Diann Smithson, massage law and rules update for 4 hours.

Ms. VandeBerg reviewed the revised packet of continuing education from Ms. Phyllis Salyers on Professional Ethics for 5 contact hours, and stated the packet was incomplete. The Board denied the course.

Dick Mansfield with Tennessee Higher Education Commission appeared before the Board to discuss numerous complaints from students not being able to pass the National Certification Board for Therapeutic Massage and Bodywork examination (NCE). After much discussion from the Board and students the problem seems to be that some Massage Therapy schools are choosing not to teach the Eastern Oriental and therefore the students are not passing the exam.

The NCBTMB has changed the curriculum of the exam and put it into two parts, the Massage Therapy that is without the Eastern Oriental or Massage Therapy and Bodywork that has the Eastern Oriental in the exam and this will go into effect June 1, 2005.

Adjournment

There being no further business, the meeting was adjourned at 4:30 p.m.

Rebecca Eichel, LMT, Secretary

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